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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/121,017 | 07/22/1998 | TORU IMAMURA | 382.1019 | 2849 |

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EXAMINER

SAUNDERS, DAVID A

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1644

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27

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1644

The amendment of 10/18/01 fails to follow Rule 1.121. For example, the marked up version of claim 20 fails to show underlining of all that was added in lines 1-2.

Independent claim 19 has not been amended to recite anything about the activity of the protein being increased.

In claims 1, 16, 18 and 20 "the intended medical use" would lack antecedent basis. There is no such recitation in the original disclosure, with respect to the nature of the increased activity; thus a question of new matter would be raised by entry of the amendment.

Twice amended claim 6 and claim 22 would be substantial duplicates.

With respect to recitations of "at least one" in claims 16, 18 and 20 and "plurality" in claim 19, applicant's exhibit is unconvincing. The presence of multiple serines and/or threonines in a sequence is a necessary but not sufficient condition for glycosylation. Since applicant's original disclosure recited addition of a sugar chain in the singular, applicant is reciting new matter in these claims.

The examiner suggests that "can be" be changed to --is -- in claims 16 and 18-19, as has been proposed for claim 20.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A Saunders, PhD whose telephone number is 703-308-3976. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan, can be reached on (703) 308-3973. The fax phone number for the organization where this application or proceeding is assigned is 703-308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

David A Saunders
DAVID SAUNDERS
PRIMARY EXAMINER
ART UNIT 182/1644